



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

1595 Wynkoop Street
DENVER, CO 80202-1129
Phone 800-227-8917
<http://www.epa.gov/region08>

AUG 01 2014

Ref: ENF-W-NP

CERTIFIED MAIL #
RETURN RECEIPT REQUESTED

John Moser
Stromo, LLC
1999 County Road 28
Hudson, CO 80642-9624

Re: Letter of Potential Violation of the Clean Water Act

Dear Mr. Moser:

This letter concerns the apparent noncompliance with the Standards for the Use or Disposal of Sewage Sludge found at 40 Code Federal Regulations (C.F.R.) Part 503. Based on a review of available information, the United States Environmental Protection Agency (the EPA) has information indicating that Stromo, LLC (Stromo) may be in violation of the federal Clean Water Act (CWA). The requirements for land applying sewage sludge include:

1. a minimum frequency of monitoring for pollutants and pathogen density, as specified in 40 C.F.R. § 503.16; and
2. pathogen reduction requirements, as specified in 40 C.F.R. § 503.15(a), 40 C.F.R. § 503.32, and 40 CFR Part 503 Appendix B, which require minimum temperatures, minimum number of turnings and a minimum time period that the sewage sludge must be maintained for windrow composting methods.

On March 25, 2014, the EPA sent an information request to Stromo. Stromo's response was received on April 28, 2014. A review of the response indicated that Stromo may not be complying with the sewage sludge land application requirements listed above. If this is the case, Stromo would be in violation of section 405 of the CWA, 33 U.S.C. § 1345, and 40 C.F.R. Part 503.

The EPA is in the process of evaluating whether Stromo is in violation of the CWA and/or the regulations cited above. The EPA would like to consider any information that Stromo believes demonstrates that the description above is incorrect or that the activities described above do not constitute a violation of the CWA. If you would like additional information to be considered by the EPA in its evaluation, please provide such information within 30 days of receipt of this letter to Tony Petruska at the address below.

Tony Petruska
Water Enforcement Branch
EPA Region 7
11201 Renner Boulevard
Lenexa, Kansas 66219

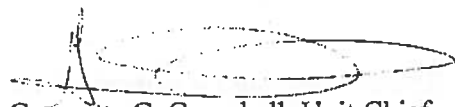
Please note that the voluntary submission of this information does not preclude the EPA's authority to issue a request for information to Stromo pursuant to section 308 of the CWA, 33 U.S.C. § 1318.

The EPA invites you or any other representative of Stromo to discuss this matter during the Agency's evaluation of the facility's circumstances. If the EPA determines that Stromo is not responsible for any violation, no further action will be required. If the EPA makes a determination that Stromo is liable for a CWA violation, the EPA, using its authority under section 309 of the CWA, 33 U.S.C. § 1319, may issue an order requiring that Stromo come into compliance with the CWA and/or assessing a penalty. Prior to issuance of an order, the EPA will be open to discussing the terms of compliance and/or penalties with Stromo in order to reach a mutually acceptable agreement. The compliance terms would be incorporated into an administrative order on consent (AOC). If the settlement involves a penalty, a combined complaint and consent agreement (CCCA) will be filed. Either settlement document will provide that Stromo waives the right to contest the AOC or CCCA and that Stromo acknowledges that the EPA has authority to issue the AOC and/or CCCA. Stromo need not admit liability in the AOC and/or CCCA. Alternatively, Stromo may decline to enter into early discussions with the EPA. If the EPA makes a finding of liability and unilaterally issues a compliance order to Stromo, Stromo may contest the order through a formal adjudicative process.

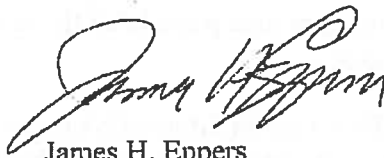
If Stromo is interested in entering into early discussions with the EPA, or has questions regarding this letter of potential violation, please contact Tony Petruska within 30 days of receipt of this letter at 913-551-7637 or petruska.anthony@epa.gov. If Stromo is represented by counsel, we suggest that the attorney contact Erin Weekley, Assistant Regional Counsel, at 913-551-7095 or weekley.erin@epa.gov.

We appreciate your prompt attention to this matter.

Sincerely,



Gwenette C. Campbell, Unit Chief
NPDES Enforcement Unit
Office of Enforcement, Compliance, and
Environmental Justice



James H. Eppers
Supervisory Attorney
Regulatory Enforcement Unit
Legal Enforcement Program
Office of Enforcement, Compliance, and
Environmental Justice

cc: Diane Huffman, EPA Region 7
Tim Larson, CDPHE